

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HARRY RUSSELL FRAZIER,

Plaintiff,

— against —

TIFFANY & CO., and DAVID  
WILSON, individually,

Defendants.

07 Civ. 9366 (SAS)

**SCHEDULING ORDER**

**Conference Date: 12/06/2007**

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on December 6, 2007 (the “Order”); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

**(1) the date/time of the conference and the appearances for the parties:**

Date of Conference: December 6, 2007 at 4:30 pm.

Jonathan Sack, Esq.  
Eric R. Stern, Esq.  
Sack & Sack  
110 East 59<sup>th</sup> Street, 19<sup>th</sup> Floor  
New York, New York, 10022

*Attorneys for Plaintiff*

Daniel A. Rizzi, Esq.  
Nixon Peabody LLP  
50 Jericho Quadrangle, Third Floor  
Jericho, New York 11753

*Attorneys for Defendants*

- 2 -

**(2) a concise statement of the issues as they then appear:**

Whether Plaintiff's former employer, Defendant Tiffany and Company, and his immediate supervisor, David Wilson, discriminated against Plaintiff based upon his race (African American), and retaliated against him, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000e, ("Title VII"), the New York State Human Rights Law, Executive Law § 290 et seq. ("NYSHRL"), and the New York City Human Rights Law, NYC Administrative Code, § 8-101 et seq. ("NYCHRL").

Whether Plaintiff's former employer, Defendant Tiffany and Company, and his immediate supervisor, David Wilson, discriminated and retaliated against Plaintiff in violation of the Family and Medical Leave Act, 29 U.S.C. § 2601 et seq. ("FMLA"), based upon his attempt to obtain family medical leave to care for his Autistic son.

**(3) a schedule including:****(a) the names of persons to be deposed and a schedule of planned depositions:**

The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. All discovery shall be completed on or before June 30, 2008, which date shall not be adjourned except upon a showing of good cause and further order of the Court. Interim deadlines for specific discovery activities may be extended by the parties on consent without application to the Court, provided the parties are certain that they can meet the discovery completion date.

Depositions to be taken by Plaintiff:

- David Wilson
- Patrick Dorsey

Depositions to be taken by Defendants:

- Harry Russell Frazier

Third Party Witness Depositions:

- TBD

Feb, MAR. APRIL

not - extend due.  
4/30

**(b) a schedule for written discovery:**

The parties shall serve initial written document demands and interrogatories on or before January 14, 2008.

Initial Disclosure Dec. 20, 2007

- 3 -

- (c) **dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed:**

Expert witnesses, if any, must be designated at least thirty (30) days before the discovery cut off date. Any expert report must be served at least thirty (30) days before the discovery cut off date.

- (d) **the date by which plaintiff will supply its pre-trial order matters to defendants:**

~~July 15, 2008.~~

*June 1*

- (e) **the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial;**

~~July 31, 2008~~

*June 15*

- (f) **a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference:**

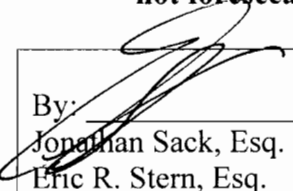
*May 8 at 4:30*

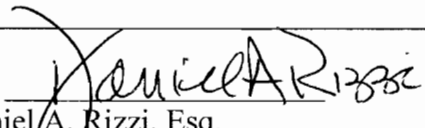
- (4) **anticipated length of trial and whether to court or jury:**

- jury trial; 4 days, inclusive of opening and closing statements, but exclusive of jury panel selection

- (5) **The parties shall try in good faith to resolve all discovery disputes prior to seeking judicial intervention.**

- (6) **This Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires.**

By:   
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516 832 7500  
*Attorneys for Defendants*

**SO ORDERED:**

Dated: New York, New York  
December 6, 2007

  
SHIRA A. SCHEINDLIN, U.S.D.J.